IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.17840 of 2005

Between:

G.Ramu.

..... PETITIONER

AND

1.Municipal Corporation of Vijayawada,
rep. by its Commissioner, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.17840 of 2005

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in putting the seal on petitioner's shop at 43-102-14, Sri Naga Durga Auto Tinkering & Welding Works, Main Road, Ajit Singh Nagar, Vijayawada on 20-06-2005 without affording any opportunity to the petitioner, as

unconstitutional and consequently declare the action of the respondents in initiating the proceedings against the petitioner as illegal and without any jurisdiction.

It is stated in the affidavit filed in support of the writ petition that the petitioner was served with a notice on
21-04-2005 stating to stop running his shop and intimate within seven days. The petitioner requested his neighbours. They had stated that they have no objection for running the shop. The petitioner gave a reply and personally handed over his explanation to the Municipal Commissioner on 27-05-2005 explaining that no neighbour had any complaint except one person, with whom he had dispute regarding settlement of bills. It is also stated that the petitioner submitted his explanation on 27-05-2005, expecting that enquiry would be conducted after giving him a notice, taking into consideration the objections from the other immediate neighbours. It is also stated that to the surprise and shock of the petitioner, without conducting any enquiry and without issuing any further notice, the officials of the first respondent came to his shop on 20-06-2005. By that time, the petitioner was not in the village and his shop

was closed. The officials of the first respondent had put a seal on his shop.

As can be seen from the several facts narrated in the affidavit filed in support of the Writ Petition and also the stand taken by the respondents in the counter-affidavit filed in support of the Vacate application thereof, this Court is satisfied that when objections were filed by the petitioner, further enquiry could have been conducted by affording an opportunity to the petitioner and it is clear that no subsequent notice, as such, had been given.

In the facts and circumstances of the case, this Court is of the considered opinion that the Writ Petition be disposed of directing the first respondent to follow the procedure by duly issuing show cause notice at the earliest point of time in accordance with law and; the petitioner to file objections, if any, within the time, which may be fixed by the first respondent and; on such objections being filed by the petitioner within the time stipulated, the first respondent to pass appropriate orders in accordance with law. Till then, *status quo* as on today be maintained.

The Writ petition is disposed of accordingly. No

order as to costs.

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26th October, 2006

LUR